

Senate File 2318 - Reprinted

SENATE FILE 2318
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

(As Amended and Passed by the Senate March 18, 2014)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies, establishing an office of support
3 and analysis for safe schools, establishing a school
4 climate improvement grant program, providing for training
5 on harassment and bullying prevention and response, making
6 appropriations, and including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.11, subsection 30, Code 2014, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.2, Code 2014, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 2A. "*Harassment*" and "*bullying*" mean the
6 same as defined in section 280.28.

7 Sec. 3. Section 256.7, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 33. Adopt rules incorporating the training
10 required by section 272.2, subsection 19, into the standards
11 for school district or attendance center teacher professional
12 development plans in accordance with section 284.6 and school
13 district or attendance center administrator professional
14 development plans in accordance with section 284A.6.

15 Sec. 4. Section 256.9, Code 2014, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 65. Submit to the general assembly annually
18 by January 1, a report on harassment and bullying in schools in
19 this state. The report shall include harassment and bullying
20 incidence data reported by school districts and accredited
21 nonpublic schools pursuant to section 280.28, subsection 7,
22 including the number of founded and unfounded reports of
23 harassment or bullying per school district and accredited
24 nonpublic school; relevant response data from the Iowa youth
25 survey; outcome data for the school climate improvement grant
26 program established by section 256.101; and any recommendations
27 relating to harassment and bullying prevention in this state.
28 The department shall publish the report on the department's
29 internet site.

30 Sec. 5. NEW SECTION. 256.100 **Office of support and analysis**
31 **for safe schools.**

32 1. The office of support and analysis for safe schools
33 is established in the department to coordinate and implement
34 the state's efforts to prevent and respond to harassment and
35 bullying.

1 2. The office shall coordinate efforts between state
2 agencies and promote research-based best practices for
3 programming and training to improve school learning
4 environments and school safety. The office shall coordinate
5 with appropriate stakeholders in carrying out its duties.

6 3. The office shall:

7 a. Assist schools in the implementation of section 280.28,
8 using research- and outcome-based best practices.

9 b. Develop or recommend qualified training programs for
10 training required by section 272.2, subsection 19.

11 c. Coordinate with area education agencies and other state
12 and local agencies and organizations to ensure that training
13 required by section 272.2, subsection 19, and appropriate
14 mental health services are available to every school in this
15 state.

16 d. Provide or recommend technical assistance and training
17 to school employees responsible for conducting investigations
18 of complaints of incidents of harassment or bullying to ensure
19 compliance with section 280.28.

20 e. Administer the school climate improvement grant program
21 established by section 256.101.

22 f. Analyze harassment and bullying incidence data reported
23 by school districts and accredited nonpublic schools pursuant
24 to section 280.28, subsection 7, and response data from the
25 Iowa youth survey. The office may use its analysis to provide
26 technical assistance to school districts or schools to improve
27 school learning environments and school safety and to achieve
28 compliance with section 280.28.

29 g. Coordinate with the department of public health and
30 other public and private agencies and organizations in the
31 administration of the your life Iowa initiative. Contacts with
32 the initiative relating to possible harassment or bullying
33 shall be shared with the office, which shall assist the
34 initiative in responding to such contacts. The office shall
35 maintain compliance with applicable federal and state privacy

1 laws to ensure the confidentiality of information provided to
2 the initiative.

3 *h.* Collaborate with the department of public health and
4 other state agencies in the administration of the Iowa youth
5 survey to students in grades six, eight, and eleven in Iowa's
6 public and nonpublic schools. Survey data shall be evaluated
7 and reported, with aggregate data available online at the Iowa
8 youth survey internet site.

9 Sec. 6. NEW SECTION. 256.101 School climate improvement
10 grant program.

11 1. A school climate improvement grant program is
12 established in the department to build upon previous state
13 efforts to promote school safety, including the Iowa safe and
14 supportive schools grant and program, by providing funds to
15 school districts and accredited nonpublic schools to maintain,
16 improve, and promote safe and supportive learning environments
17 in this state. The program shall be administered by the office
18 of support and analysis for safe schools established by section
19 256.100.

20 2. The office shall award funds from the program to schools
21 on a competitive grant basis. Awards shall be consistent with
22 the following goals of the program:

23 *a.* To utilize research- and outcome-based best practices in
24 implementing antiharassment and antibullying efforts.

25 *b.* To assist schools to promote a climate of greater
26 productivity, safety, and learning.

27 *c.* To assist schools in the professional development
28 of staff in research- and outcome-based best practices to
29 implement school safety programs and classroom management
30 programs.

31 *d.* To assist schools in enhancing and coordinating
32 antiviolence efforts between schools, professional, parental,
33 governmental, law enforcement, and community organizations and
34 associations.

35 3. Grants from the program may be used to fund school

1 programs or activities including but not limited to the
2 following:

3 *a.* Qualified staff training to implement section 280.28.

4 *b.* Technical assistance for improved classroom management.

5 *c.* School safety programs that incorporate research- and
6 outcome-based best practices that are intended to address risk
7 factors to reduce incidents of problem behaviors among students
8 including antiharassment and antibullying programs.

9 *d.* Mental health demonstration projects.

10 *e.* Safety training and resources that enhance the overall
11 safety of students and staff.

12 4. The office shall give priority in grant awards to the
13 following applicants:

14 *a.* Applicants that utilize data to demonstrate need based on
15 the number or severity of incidents of harassment or bullying
16 the applicants have experienced or other data that indicate
17 need.

18 *b.* Applicants that provide a commitment of additional funds
19 from public or private sources for the programs or activities
20 for which a grant is sought.

21 5. The office shall pursue additional funding from public
22 and private sources to support the program.

23 6. The department shall adopt rules to administer the
24 program, including but not limited to an application process
25 and grant award criteria.

26 Sec. 7. Section 272.1, Code 2014, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4A. "*Harassment*" and "*bullying*" mean the
29 same as defined in section 280.28.

30 Sec. 8. Section 272.2, Code 2014, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 19. *a.* Adopt rules requiring all teachers
33 who have regular and substantial contact with students to
34 complete training approved by the office of support and
35 analysis for safe schools established by section 256.100, on

1 harassment and bullying prevention and response as part of
2 their professional development and training plans.

3 **b.** Adopt rules requiring all individuals applying for or
4 renewing a license, certificate, authorization, or statement
5 of recognition issued by the board who are responsible for
6 conducting investigations of complaints of incidents of
7 harassment or bullying to complete training approved by the
8 office of support and analysis for safe schools established
9 by section 256.100, on the provisions of section 280.28,
10 conducting impartial investigations with transparency,
11 collecting evidence, following up on previous investigations,
12 and reporting founded and unfounded incidents of harassment and
13 bullying to the department.

14 **c.** Adopt rules requiring all individuals applying for
15 or renewing an administrator license to complete training
16 approved by the office of support and analysis for safe
17 schools established by section 256.100, on implementation of
18 school-wide policies and procedures for harassment and bullying
19 identification, reporting, response, and prevention.

20 Sec. 9. Section 280.28, subsection 2, paragraph a, Code
21 2014, is amended to read as follows:

22 **a.** "*Electronic*" means any communication involving the
23 transmission of information by wire, radio, optical cable,
24 electromagnetic, or other similar means. "*Electronic*" includes
25 but is not limited to communication via electronic mail,
26 internet-based communications including social networking sites
27 and applications, pager service, cell phones, ~~and~~ electronic
28 text messaging, or any other electronic communication site,
29 device, or means.

30 Sec. 10. Section 280.28, subsection 3, Code 2014, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. **h.** A procedure for documenting the actions
33 taken by the school to investigate and respond to harassment
34 or bullying.

35 Sec. 11. Section 280.28, subsection 7, Code 2014, is amended

1 to read as follows:

2 7. *Integration of policy and reporting.* The board of
3 directors of a school district and the authorities in charge of
4 each nonpublic school shall integrate its antiharassment and
5 antibullying policy into the comprehensive school improvement
6 plan required under section 256.7, subsection 21, and shall
7 ~~report data collected under subsection 6, as specified by the~~
8 following to the department, to and the local community:

9 a. Data collected under subsection 6, as specified by the
10 department.

11 b. The process used for filing complaints, including the
12 location of online or other complaint forms.

13 c. The number of school employees and volunteers who have
14 completed antiharassment and antibullying training.

15 Sec. 12. Section 280.28, Code 2014, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 9. Parental notification.

18 a. Each school district and accredited nonpublic school
19 shall establish notification procedures for incidents of
20 harassment or bullying in accordance with this subsection. The
21 procedures shall include notification of the custodial parent
22 or guardian of any student directly involved in any incident of
23 harassment or bullying, upon investigation and determination
24 that harassment or bullying has occurred, consistent with
25 a notification plan made in consultation with the student
26 and school guidance staff. The notification shall include
27 information on the action that school officials have taken
28 regarding the incident and the actions school officials will
29 take to prevent further acts of harassment or bullying. If
30 such notification is delayed, the school district or school
31 shall document the reasons for the delay. This paragraph does
32 not prohibit a school official from contacting a parent or
33 guardian about a report of harassment or bullying prior to a
34 determination that harassment or bullying has occurred.

35 b. The requirements of this subsection shall not apply if a

1 school official reasonably believes notification would subject
2 a student to abuse, neglect, or other physical or mental harm.

3 *c.* Notification pursuant to this subsection shall comply
4 with state and federal privacy laws, regulations, and rules.

5 NEW SUBSECTION. 10. *Authority off school grounds.* A school
6 official may investigate and respond appropriately to an
7 alleged incident of harassment or bullying that occurs outside
8 of school, off of school property, or away from a school
9 function or school-sponsored activity. If an alleged incident
10 of harassment or bullying has an effect on school grounds that
11 creates an objectively hostile school environment that meets
12 one or more of the conditions set out under subsection 2,
13 paragraph "b", a school official shall investigate and respond
14 appropriately to the alleged incident. The school official's
15 investigation and response to an alleged incident of harassment
16 or bullying that occurs outside of school, off of school
17 property, or away from a school function or school-sponsored
18 activity may include referring the matter to appropriate
19 community-based agencies.

20 NEW SUBSECTION. 11. *Rulemaking authority.* The department
21 of education may adopt rules necessary to administer this
22 section in a uniform way across the state.

23 Sec. 13. Section 282.18, subsection 11, Code 2014, is
24 amended to read as follows:

25 11. A pupil who participates in open enrollment for purposes
26 of attending a grade in grades nine through twelve in a school
27 district other than the district of residence is ineligible to
28 participate in varsity interscholastic athletic contests and
29 athletic competitions during the pupil's first ninety school
30 days of enrollment in the district except that the pupil may
31 participate immediately in a varsity interscholastic sport if
32 the pupil is entering grade nine for the first time and did
33 not participate in an interscholastic athletic competition for
34 another school or school district during the summer immediately
35 following eighth grade, if the district of residence and the

1 other school district jointly participate in the sport, if the
 2 sport in which the pupil wishes to participate is not offered
 3 in the district of residence, if the pupil chooses to use open
 4 enrollment to attend school in another school district because
 5 the district in which the student previously attended school
 6 was dissolved and merged with one or more contiguous school
 7 districts under section 256.11, subsection 12, if the pupil
 8 participates in open enrollment because the pupil's district
 9 of residence has entered into a whole grade sharing agreement
 10 with another district for the pupil's grade, ~~or~~ if the parent
 11 or guardian of the pupil participating in open enrollment is
 12 an active member of the armed forces and resides in permanent
 13 housing on government property provided by a branch of the
 14 armed services, or if the district of residence determines
 15 that the pupil was previously subject to a founded incident
 16 of harassment or bullying as defined in section 280.28 while
 17 attending school in the district of residence. A pupil who
 18 has paid tuition and attended school, or has attended school
 19 pursuant to a mutual agreement between the two districts,
 20 in a district other than the pupil's district of residence
 21 for at least one school year is also eligible to participate
 22 immediately in interscholastic athletic contests and athletic
 23 competitions under this section, but only as a member of a team
 24 from the district that pupil had attended. For purposes of
 25 this subsection, "*school days of enrollment*" does not include
 26 enrollment in summer school. For purposes of this subsection,
 27 "*varsity*" means the same as defined in section 256.46.

28 Sec. 14. APPROPRIATIONS. There is appropriated from
 29 the general fund of the state to the department of education
 30 for the fiscal year beginning July 1, 2014, and ending June
 31 30, 2015, the following amounts, or so much thereof as is
 32 necessary, to be used for the purposes designated:

33 For the establishment and administration of the office of
 34 support and analysis for safe schools and for carrying out
 35 the duties of the office, including salaries, support, and

1 maintenance:

2 \$ 250,000

3 For the provision of grants from the school climate
4 improvement grant program established in section 256.101:

5 \$ 750,000

6 From the moneys appropriated for the establishment and
7 administration of the office of support and analysis for safe
8 schools, \$150,000 shall be used to provide or facilitate the
9 provision of training required by section 272.2, subsection 19,
10 at no cost to the trainee.

11 Notwithstanding section 8.33, moneys appropriated in this
12 section that remain unencumbered or unobligated at the close of
13 the fiscal year shall not revert but shall remain available for
14 expenditure for the purposes designated until the close of the
15 succeeding fiscal year.

16 Sec. 15. EMERGENCY RULEMAKING. The department of education
17 may adopt emergency rules under section 17A.4, subsection 3,
18 and section 17A.5, subsection 2, paragraph "b", to implement
19 sections 256.100 and 256.101, as enacted in this Act, and the
20 rules shall be effective immediately upon filing unless a
21 later date is specified in the rules. Any rules adopted in
22 accordance with the provisions of this section shall also be
23 published as a notice of intended action as provided in section
24 17A.4.

25 Sec. 16. EFFECTIVE UPON ENACTMENT. The following
26 provision or provisions of this Act, being deemed of immediate
27 importance, take effect upon enactment:

28 1. The section of this Act enacting section 256.100.

29 2. The section of this Act enacting section 256.101.